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TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Applicant : Hori et al.
App. No : 10/719,006
Filed : November 20, 2003
For : PRODUCTION OF A MULTIMERIC
PROTEIN BY CELL FUSION
METHOD
Examiner : Parithosh K. Tungaturthi
Art Unit : 1643

**CERTIFICATE OF EFS WEB
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I hereby certify that this correspondence, and any other attachment noted on the automated Acknowledgement Receipt, is being transmitted from within the Pacific Time zone to the Commissioner for Patents via the EFS Web server on:

October 11, 2007

(Date)

Brent C. Moore, Reg. No. 55,461

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This additional Terminal Disclaimer is being filed to correct a mistake on pages 1 and 2 of the Terminal Disclaimer filed on October 10, 2007, wherein U.S. Patent No. 6,207,418 was incorrectly identified as "U.S. Patent No. 6,207,148."

Disclaimer by Assignee

AMGEN FREMONT INC. and JAPAN TOBACCO INC. (hereinafter collectively referred to as "Assignees"), hereby disclaim, except as provided below, the terminal part of any patent granted on the above-referenced application which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 5,916,771, 6,207,418, 6,677,138 and 6,420,140, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the above-identified application and U.S. Patent Nos. 5,916,771, 6,207,418, 6,677,138 and 6,420,140 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignees do not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent Nos. 5,916,771, 6,207,418, 6,677,138 and 6,420,140, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee,

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is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignees represent that they are the owner of a 100 percent interest in the above-identified application and co-owned, Patent No. 6,677,138, which is a continuation of Patent No. 6,420,140, which is a continuation of Patent No. 6,207,418, which is a continuation of Patent No. 5,916,771. The assignment of Patent No. 5,916,771 is recorded at Reel No. 008772, Frame No. 0440; at Reel No. 008904, Frame No. 0082; at Reel No. 009140, Frame No. 0756; and at Reel No. 017870, Frame No. 0378; by the Assignment Branch of the Patent and Trademark Office. The Assignees represent that, to the best of Assignees' knowledge and belief, title is in the Assignees seeking to take action.

Empowerment of Attorney

Pursuant to 37 C.F.R. 1.321(a) the undersigned agent of record is empowered to act on behalf of the Assignees, by virtue of a Power of Attorney.

This Terminal Disclaimer is accompanied by the \$130 fee set forth in 37 C.F.R. § 1.20(d). The Commissioner is hereby authorized to charge any deficient fee to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR LLP



Date: October 11, 2007

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